

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Wassim Abedrabbo	Team: Squad #10	CCRB Case #: 201804429	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 06/01/2018 5:45 PM	Location of Incident: On the Robert F. Kennedy Bridge	Precinct: 25	18 Mo. SOL 12/1/2019	EO SOL 12/1/2019	
Date/Time CV Reported Mon, 06/04/2018 12:28 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 06/04/2018 12:28 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Randy Figuero	2994	941750	NARCBMN
2. DT3 Jeannette Rivera	5615	933259	NARCBMN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Fernando Guerrero	05796	936710	NARCBMN
2. POM Rafael Moscoso	29063	954154	NARCBMN
3. UC 393		000000	NARCBMN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Randy Figuero	Abuse: Detective Randy Figuero stopped § 87(2)(b)	
B.DT3 Jeannette Rivera	Abuse: Detective Jeannette Rivera stopped § 87(2)(b)	
C.DT3 Randy Figuero	Abuse: Detective Randy Figuero searched § 87(2)(b)	

Case Summary

On June 4, 2018, this complaint was filed by § 87(2)(b) via the CCRB's on-line complaint system.

On June 1, 2018, at approximately 5:45 p.m., § 87(2)(b) was walking on the Robert F. Kennedy (RFK) Bridge approximately fifteen feet in front of his friend, § 87(2)(b). While on the bridge, Detective Fernando Guerrero and Police Officer Rafael Moscoso approached § 87(2)(b) immediately placing him under arrest, and Police Officer Randy Figueroa and Police Officer Jeannette Rivera stopped § 87(2)(b) (**Allegations A and B: Abuse of Authority – Stop**, § 87(2)(g) as an officer placed their hand into § 87(2)(b) pocket and asked him if he had any guns or drugs (**Allegation C: Abuse of Authority – Search of person**, § 87(2)(g)). The officers then placed § 87(2)(b) in custody and walked him off the bridge, and allegedly told § 87(2)(b) that he was free to go.

§ 87(2)(b) was arrested and charged with § 87(2)(b) as a result of this incident. this incident (**Board Review 01**). § 87(2)(b) was arrested and charged with § 87(2)(b) (Board Review 08).

Video footage captured by NYPD TARU cameras were obtained in relation to this incident; however, neither the incident or parties involved in the incident were captured.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Randy Figueroa stopped § 87(2)(b)

Allegation (B) Abuse of Authority: Detective Jeannette Rivera stopped § 87(2)(b)

Allegation (B) Abuse of Authority: Detective Randy Figueroa searched § 87(2)(b)

It is undisputed that § 87(2)(b) and § 87(2)(b) were together on the date of the incident and that § 87(2)(b) was walking 15 feet in front of § 87(2)(b) while on the bridge. It is also undisputed that § 87(2)(b) was arrested immediately by officers for a marijuana related offense.

During his CCRB interview, § 87(2)(b) stated that he and § 87(2)(b) were walking to Randall's Island on the RFK bridge (**Board Review 02**). Prior to arriving at the bridge, he and § 87(2)(b) walked from the 2/3 subway station at East 125th Street and Malcolm X Blvd, and en route they did not stop to speak with or come in contact with anyone on the street. However, they stopped at a corner store, from which they purchased ice and cups, and a liquor store, from which they purchased liquor, and at the time they arrived at the bridge they each had a poured cup of alcohol in their hand. On that day, § 87(2)(b) was in possession of two "nickel bags" of marijuana, .25 grams of marijuana worth five dollars.

While walking on the bridge, an officer approached § 87(2)(b) and a second officer approached § 87(2)(b). § 87(2)(b) was immediately placed under arrest, but the officer who approached § 87(2)(b) placed his hands into § 87(2)(b) pockets and asked him if he had any weapons or drugs on his person. After the brief exchange, the officer told § 87(2)(b) to "keep it moving." § 87(2)(b) continued into the direction of Randall's Island until he noticed that § 87(2)(b) was in handcuffs. He walked back and asked the officers why § 87(2)(b) was being arrested, and an officer told him that it was for a "bag of weed." The officers began walking § 87(2)(b) off the bridge in the direction of Manhattan proper, and as they did so § 87(2)(b) attempted to continue to get the officers' attention, but they did not respond. After the officers

saw that § 87(2)(b) followed them to their police van, they instructed PO Figuero and PO Rivera to place him under arrest. He was placed under arrest, removed to an NYPD stationhouse, and issued a Desk Appearance Ticket. Upon being released, § 87(2)(b) money was not returned to him. When he asked PO Figuero why he was not given his money, PO Figuero told him it would be returned after the conclusion of the case.

§ 87(2)(b) was not available to the investigation.

Det. Figuero was interviewed at the CCRB; during which, he stated that on the incident date he and his team were engaged in narcotics enforcement on the RFK bridge on the incident date (**Board Review 03**). Det. Figuero was partnered with Det. Rivera, § 87(2)(e), § 87(2)(f)

§ 87(2)(b) Upon reaching § 87(2)(b) and § 87(2)(b) on the bridge, Det. Fernando Guerrero and PO Rafael Moscoso had § 87(2)(b) in handcuffs and § 87(2)(b) was standing just past them not moving. Det. Figuero identified himself and placed § 87(2)(b) in handcuffs because he was immediately under arrest § 87(2)(e) § 87(2)(b) was searched, but Det. Figuero did not recall if the search was conducted then and there or if it was at a later point in the interaction § 87(2)(b) was not approached, questioned, searched, and then allowed to leave freely at any point. He was not arrested because he followed the officers off the bridge.

Det. Figuero made a memo book entry on June 1, 2018, at 5:45 p.m., noting that § 87(2)(b) and § 87(2)(b) were both placed under arrest § 87(2)(e)

§ 87(2)(b) (**Board Review 09**).

§ 87(2)(b) was charged with § 87(2)(b) (**Board Review 01**). In the narrative section of the arrest report, it is noted that § 87(2)(b) sold a quantity of marijuana “with an apprehended other,” and that a search incident to lawful arrest of § 87(2)(b) yielded the recovery of marijuana.

After the arrest of the individuals, the marked five-dollar bill used by § 87(2)(b) was recovered from § 87(2)(b) by Det. Guerrero and vouchered as arrest evidence (**Board Review 04**).

§ 87(2)(g)

NYS Penal Law 115.00 (Board Review 07). An individual is guilty of criminal facilitation in the fourth degree when rendering aid to a person who intends to commit a crime by engaging in conduct that provides said person the opportunity for commission of the crime.

Patrol Guide Procedure 208-03 (Board Review 10). After an arrest has been effected, police officers must immediately search the prisoner.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 05**).
- Det. Figuereo has been a member of service for 12 years and has been a subject in three CCRB complaints and eight allegations, none of which were substantiated. § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- Det. Rivera has been a member of service for 15 years and has been a subject in 10 CCRB complaints and 25 allegations, of which three were substantiated (see officer history):
 - 200703011 involved a substantiated allegation of a strip-search against Det. Rivera. The board recommended charges, but the NYPD did not institute any punishment.
 - 200710245 involved a substantiated allegation of a strip-search against Det. Rivera. The board recommended command discipline, but the NYPD did not institute any punishment.
 - 200916563 involved a substantiated allegation of a question against Det. Rivera. The board recommended command discipline and the NYPD imposed a five-vacation day punishment.
 - § 87(2)(g)
§ 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation due to § 87(2)(b) being incarcerated.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
- As of March 7, 2019, the Notice of Claim inquiry with the NYC Comptroller's officer is still pending.

Squad No.: 10

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date